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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 August 1996, at 10 a.m.

Chairman: Mr. EIDE

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The meeting was called to order at 10.05 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN informed the members of the Sub-Commission of the recommendations made by the Bureau concerning organization of work. Following various suggestions and proposed amendments by members of the Sub-Commission, the agenda was revised in the following manner: a new sub-item (a) entitled "Thirtieth anniversary of the adoption of the International Covenants" was to be inserted under item 16, and a new sub-item (c), entitled "The right to leave any country, including one's own, and to return to one's country", was included under item 18. The Bureau also recommended that the question of the violation of the human rights of journalists and human rights activists should be discussed under the relevant agenda items. If there was no objection, he would take it that the Sub-Commission wished to adopt the agenda as revised, which would be issued as document E/CN.4/Sub.2/1996/1/Rev.1.

2. It was so decided.

3. The CHAIRMAN said that the Bureau had also drawn up a provisional timetable for the consideration of agenda items for the entire session; it appeared on the reverse side of document E/CN.4/Sub.2/1996/OD.2. If he heard no objection, he would take it that the Sub-Commission wished to adopt the proposed timetable.

4. It was so decided.

5. The CHAIRMAN said that, as in previous years, the Bureau was recommending the establishment of a sessional working group on the administration of justice and the question of compensation under item 10. Following the established procedure, the Group would be chaired by its Chairman/Rapporteur, Mr. Joinet, and the regional groups were invited to nominate the other members immediately.

6. Mr. JOINET expressed the hope that, given the work already completed, the regional groups would re-elect the outgoing members, which would enable the Working Group not to have to recommence its consideration of certain questions from scratch. He recalled that all members of the Sub-Commission could participate in the Working Group and make statements.

7. The CHAIRMAN said that, in accordance with established practice, the Bureau recommended that the following special rapporteurs, who were no longer members of the Sub-Commission, should be invited to present their reports: Mr. Despouy (items 8 and 10 (a)) and Ms. Chavez (item 15). The Bureau also recommended that the Sub-Commission should invite the Chairman of the fifty-second session of the Commission on Human Rights, Mr. Vergne Saboia, to present the Commission's work to the Sub-Commission. The Bureau regretted to inform the Sub-Commission that the report of Mr. Al-Khasawneh on human rights and population transfer could not be submitted at the current session due to the lack of resources required to hold the seminar on population transfer. The Bureau expressed its concern and emphasized the urgent need to make the necessary resources available for that purpose.

8. Concerning the working methods of the Sub-Commission, he drew attention to paragraphs 9 to 20 of the annotations to the provisional agenda (E/CN.4/Sub.2/1996/1/Add.1) and recalled the decisions taken by the Sub-Commission in its resolution 1992/8 with regard to deadline for the submission of draft resolutions or decisions (principle No. 12), the list of speakers (principle No. 15) and the order of statements (principle No. 14). With regard to speaking time, the Bureau recommended that a maximum of 15 minutes should be allocated for each item to members of the Sub-Commission and special rapporteurs, with the rapporteurs dividing that time between the introduction of the report and the concluding remarks. Government observers would generally have a maximum of 10 minutes, with 5 minutes for statements made immediately before voting on a resolution when the country was implicated; 3 minutes at the end of the consideration of the respective agenda item and for a first statement equivalent to a right of reply; and, if necessary, 2 minutes for a second such statement. He would none the less allow observers to exercise their right of reply at the end of the day should it really be necessary. The speaking time for observers from non-governmental organizations (NGOs) as well as intergovernmental organizations, United Nations bodies, specialized agencies, national liberation movements and other organizations would also be limited, as for Government observers, to 10 minutes. The 10 minutes for all observers might, however, be reduced whenever a great number of speakers had been registered under a particular item. He drew the attention of the Sub-Commission to speaking times under item 6 in particular, on which the Bureau had decided to allocate a speaking time of 7 minutes for each observer, given the high number of participants wishing to make statements on that item.

9. The Bureau had been invited to hold a joint meeting with the Bureau of the Committee on the Elimination of Racial Discrimination to discuss any matters of common concern. Given the current grave financial situation of the United Nations, the Bureau had been informed that no extended or additional meetings would be provided.

10. Mr. JOINET said the financial difficulties of the United Nations were often referred to, but only too rarely was it mentioned that those difficulties were due in part to the fact that some States were not paying their dues. Perhaps the speaking time of the observers from those States should be limited.

11. After a discussion in which Mr. Khalifa, Mr. Fan Guoxiang and Mrs. Warzazi took part, the Sub-Commission decided that the Chairman should be flexible about the speaking time given to members of the Sub-Commission during consideration of agenda item 6.

12. Mrs. WARZAZI wondered whether, to save time, the Sub-Commission should not avoid submitting draft resolutions on questions that were already the subject of consideration by the Commission on Human rights, and opt for resolutions which dealt only with new developments that had occurred between the Commission's session and that of the Sub-Commission.

13. Following a request by Mr. JOINET, endorsed by Mr. El-HAJJE, that the date for voting on draft resolutions considered under agenda item 6 should be postponed, as the item concerned particularly important questions and

consideration of the texts demanded time, and after an exchange of views, the CHAIRMAN proposed that the afternoon of 19 August should be set aside for that occasion, it being understood that flexibility was still possible as long as the voting did not take place after 23 August.

14. It was so decided.

15. The question of the deadline for the submission of draft resolutions was raised by Mrs. DAES, who said that the texts could not be prepared before they had been the subject of a discussion. Since, as Mr. ALFONSO MARTÍNEZ said, the problem actually concerned only agenda item 14, and because, as several members of the Sub-Commission had pointed out, both firmness and flexibility were needed, the CHAIRMAN proposed that the three-day rule should be adhered to, except for particularly difficult cases, for which that deadline might be shortened.

16. It was so decided.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (E/CN.4/Sub.2/1996/9 and E/CN.4/Sub.2/1996/32)

17. Mr. VITTORI (Pax Christi International) said that the violation of the inalienable rights of just one person infringed the rights of all and contained the seeds for more massive violations. The international community had remained powerless in the face of the intolerable acts committed in the territory of the former Yugoslavia, which people had none the less known of and denounced. With the derisory amount allocated to the protection of human rights, given the magnitude of the undertaking, the United Nations was necessarily limited in its ability to meet the needs. The implementation of its founding principles and of the standards by its various bodies was encountering resistance from Powers whose interests did not necessarily coincide with those of the societies they claimed to represent. It was therefore unjust to blame a community, race, people or country by associating them with people or oligarchies who exercised abusive power over them for a certain period of time. Strict implementation of the resolutions against Iraq, which resulted in cruel suffering by that country's population, was in contrast with the small amount of attention given to resolutions on the Israeli-occupied Arab territories or the occupation of East Timor by the Indonesian Army.

18. His organization regretted that it had taken the death of a dozen political prisoners before the Turkish authorities had made the conditions of detention of those detainees more humane and that a procession reminiscent of an earlier age had endangered social peace in Northern Ireland. He welcomed the courageous struggles being waged by Mrs. Suu Kyi in Burma and Mrs. Sukarnoputri in Indonesia, and welcomed the birth of a movement to support the claims of landless Brazilian peasants as well as the hopes emerging for democracy in Mexico. Pax Christi was concerned by the repressive trend under way in Tunisia and joined the protests of a number

of NGOs and international institutions against the hasty sentencing of Mr. Khemais Chammari, internationally renowned as an honest and courageous defender of human rights in his country and in the Mediterranean world.

19. Mr. AHDEROM (Baha'i International Community) denounced the religious discrimination of which the Baha'is were victims in Iran. A large number of official documents and reports, including reports from other United Nations bodies, documented the brutal persecution to which they were subjected, taking the form of executions, murders, disappearances and torture, and extending into every aspect of their private and social lives. The Iranian authorities were engaged in a deliberate policy aimed at preventing any socio-economic development of the Baha'i community and depriving it of its most fundamental rights; they persisted in considering it as illegitimate under Islamic law and accusing it of subversive political acts, without any proof whatsoever.

20. The Special Rapporteur on religious intolerance, in the report submitted to the Commission on Human Rights following his recent visit to Iran (E/CN.4/1996/95 and Add.1 and 2), had called on the Iranian Government to reinstate all the rights of the Baha'is, allow them to engage fully in their religious activities, return all the community and personal property that had been confiscated from them and reconstruct the places of worship that had been destroyed, or at least provide compensation. The Special Rapporteur had also asked the Government to review or set aside the death sentences passed on Baha'is and to promulgate amnesties or any other appropriate measures to prevent the enforcement of the penalties imposed.

21. The Iranian authorities still fell short of compliance with their international commitments, and the situation of the Baha'is, the largest religious minority in Iran, remained precarious. The international Baha'i community hoped that the Sub-Commission, which had been the first United Nations body to come to their defence, would reiterate its concern about their situation, condemn the violations perpetrated against them in Iran and again request that the Islamic Republic of Iran should guarantee them religious freedom and full emancipation.

22. Mr. LIEM SOCI LIONG (Liberation) drew attention to another bloody episode in the history of human rights violations in Indonesia, namely, the brutal attack launched by Indonesian security forces against the Jakarta headquarters of the Indonesian Democratic Party (PDI) on 27 July 1996, which had left 40 innocent victims. As during earlier massacres by soldiers, such as those in Dili in November 1991 and in Tanjung Priok in September 1984, which had still not been properly investigated, the Indonesian authorities were clearly underestimating the number of victims, and there was good reason to fear that what had happened elsewhere might happen in Jakarta: the elimination of witnesses, stage-managing of trials aimed at blaming the victims, and ill-treatment of detainees in order to extract false testimony from them. Numerous arrests had already taken place and police raids carried out against the headquarters of democratic organizations and the homes of their leaders.

23. His organization urged the Sub-Commission to demand the immediate and unconditional release of all activists who had been arrested, such as trade union leader Mocktar Pakpahan, whose only sin was to struggle for democracy

and human rights. The attack against the PDI had become a national affair that concerned the entire democratic movement, which was growing in Indonesia and was seeking to put an end to more than 30 years of a military dictatorship notorious for its grave violations of the human rights of the population.

24. The Sub-Commission should heed the demands of those groups, which were demanding the restoration of freedom of association, which existed in name only, and of freedom of expression, which was severely curbed. Other fundamental rights and freedoms, such as freedom of movement and the right not to be subjected to torture or arbitrarily detained, were constantly being trampled. The United Nations human rights mechanisms should be applied with great urgency in Indonesia. The Special Rapporteur on extrajudicial executions should include the latest military brutality in his investigations, and the Working Group on Arbitrary Detention should conduct a special inquiry into the recent wave of arrests.

25. Mr. JACQUES (International Service for Human Rights) said that on 17 July 1996, Mr. Khemais Chammari, a member of his organization's Executive Council who had played a key role in the founding of the Arab Institute for Human Rights and the activities of the Tunisian Human Rights League, had been sentenced to five years in prison for "violating the confidentiality of examination proceedings, endangering the security of the State". He was alleged to have sent certain confidential documents to a Belgian lawyer on the proceedings against Mr. Moada, President of the Democratic Socialist Movement, who had been sentenced on 29 February 1996 to 11 years in prison for "endangering the security of the State". Mr. Chammari had told the Inter-Parliamentary Commission that the case had been staged in order to damage his reputation.

26. Since the initiation of the legal and police proceedings against Mr. Chammari in October 1995, his organization had been shocked by the harassment to which he and his wife were being subjected, by the lack of respect for the principle of presumption of innocence and by the violation by the Tunisian authorities themselves of the confidentiality of the proceedings. The pressure on him and his family had mounted right up until his incarceration on 18 May 1996.

27. Since that time, his organization, along with other NGOs, had had to step up their efforts to obtain better conditions of detention for Mr. Chammari, whose health was unfortunately fragile. He urged the Sub-Commission to intervene firmly with the Tunisian authorities, since the acts against Mr. Chammari risked spreading to other persons and institutions that constituted the foundations of every democratic society, namely, human rights organizations, parliamentary institutions and the Judiciary.

28. Mr. KEALII GORA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities), representing an indigenous Hawaiian organization, Ka Lahui Hawai'i, said that the United States Government had undertaken to hold a plebiscite in Hawaii from 1 July to 15 August 1996 on the issue of sovereignty, which was intended to curtail the rights of Hawaiians over their lands and resources, rights which had none the less been recognized by a law, the Apology Bill, adopted by the United States Congress in 1993. His organization had joined a coalition of

Hawaiian groups to oppose the plebiscite because it was a State-sponsored attempt to deny Hawaiians their right to self-determination. Furthermore, the manner in which the vote was being conducted was not, according to a delegation of the Unrepresented Nations and Peoples' Organization (UNPO), in accordance with international standards for a free and informed choice, which were also adhered to by the United States. UNPO believed that, before voting, the electorate should be informed through educational programmes conducted by native Hawaiian organizations on all the options for sovereignty and should have the opportunity to reach a consensus on the process for exercising their right to self-determination. His organization demanded that the United States Government and the State of Hawaii should stop the plebiscite and implement the recommendations of the UNPO mission.

29. Mrs. BAGOZZI (World Organization against Torture) said that her organization was deeply concerned about the numerous cases of arbitrary detention, torture and summary executions carried out in Colombia during the past four months by guerrillas, paramilitary groups, the police and the military, with the majority of perpetrators enjoying immunity, while human rights activists were being prosecuted for voicing their discontent. Her organization called on the Sub-Commission to recommend the immediate establishment of a permanent United Nations office in Colombia to investigate all reports of human rights violations.

30. The phenomenon of impunity had also been encouraging grave abuses in Mexico against innocent villagers and landless indigenous populations by the police and the army as well as by private police groups financed by landowners. The Mexican Government, through its Permanent Representative in Geneva, had pledged to address the problem. The Sub-Commission should invite the Government of Mexico to take steps to educate members of the army and the police and to settle peacefully the disputes between the different social sectors in the rural areas.

31. With regard to Syria, she welcomed the release of a large number of prisoners of conscience. However, hundreds of persons were still being detained illegally, tortured and even summarily executed. She urged the Sub-Commission to recommend that the Syrian Government should account for past and present human rights violations, apply the necessary measures to end repression and abuse of authority, and compensate all the victims.

32. Turning to Western Sahara, she said that while it was true that the number of arbitrary and illegal detentions had fallen, there were allegedly 600 persons who were still missing, some since the 1970s. The maintenance of law and order in the territory should be placed in the hands of an independent and impartial third party until such time as a free, fair and impartial referendum could be held in accordance with Commission on Human Rights resolution 1996/6.

33. In East Timor, the Indonesian Army would continue to violate the human rights of the population as long as the East Timorese were deprived of the right to choose their own Government. The Sub-Commission should recommend that all parties should step up their efforts to achieve an outcome that would allow the East Timorese to determine their own future, within the shortest possible time.

34. With respect to the Great Lakes region of Africa, a conference should be organized between all the parties in the region in order to forge a national reconciliation based on the punishment of the perpetrators of the massacres and to create the basis for a new constitutional system able to guarantee the democratic exercise of power by a majority as well as full respect for the rights of minorities.

35. Mrs. RISHMAWI (International Commission of Jurists) said that, in Algeria, dozens of individuals continued to be killed or "disappeared" every month by both the Government and armed groups. She urged the Algerian Government to investigate reports that human rights lawyer Rachid Mesli, who had been kidnapped on 31 July 1996, was being held by military security.

36. In Burundi, where large numbers of civilians had been massacred, preventive action should be strengthened, for example by increasing the number of human rights monitors.

37. Despite the cease-fire in Chechnya, the Russian Army continued its attacks. The civilian victims numbered in the thousands. While 2 Russian soldiers had recently been arrested on suspicion of murdering 13 civilians in Grozny, most of the crimes committed by the Russian troops remained unpunished. Her organization called on both parties to the conflict to comply with international human rights law and humanitarian law. The Sub-Commission should recommend to the Commission the appointment of a special rapporteur to ensure the close monitoring of the human rights situation in Chechnya.

38. With regard to Colombia, where the perpetrators of torture, enforced disappearances and summary executions enjoyed almost total impunity, she called on the Sub-Commission to urge the parties to establish without delay a permanent office of the High Commissioner for Human Rights, as requested in a statement by the Chairman of the Commission at its previous session.

39. The campaign being waged by the Turkish Government against the Kurdish Workers Party (PKK) was leading to the destruction of entire villages and the forced displacement of numerous civilians. In addition, lawyers defending persons before the State security courts for collaborating with the PKK were being arrested, tortured, sentenced and imprisoned. Access to south-eastern Turkey was denied to the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

40. In Tunisia, torture and illegal detention were widespread and several basic human rights were systematically violated. Her organization was particularly concerned by the treatment of human rights activists and opposition members of Parliament, such as Mr. Khemais Chammari, who had been sentenced to five years in prison following an unfair trial.

41. She called on the Sub-Commission to intercede with the Governments of all those countries in order to investigate the human rights violations committed and ensure that their perpetrators were punished.

42. Mr. MORIN (International Working Group for Indigenous Affairs), representing the Tribunal Komike, a human rights defence organization for indigenous Hawaiians, said that the "plebiscite" organized in Hawaii by the

Governments of the United States and of the State of Hawaii was intended to extinguish sovereignty of the Kanaka Maoli over their territory and was a violation of their human rights, land rights and right to self-determination. It was contrary to the provisions of the International Covenant on Civil and Political Rights and to the Apology Bill, which recognized the sovereignty of the Kanaka Maoli. The plebiscite had been organized in a fraudulent and anti-democratic fashion. A number of persons who were not Kanaka Maoli had been registered to vote, unknown to them, and the Hawaiian Sovereignty Elections Council, a State agency created to oversee the vote, had launched a major campaign aimed at encouraging a "yes" vote.

43. The Kanaka Maoli people, resolutely opposed to the plebiscite that had been organized in violation of all international instruments proclaiming the basic principle of the right of peoples to self-determination, demanded that the vote should be cancelled and that a decolonization process should be initiated under the supervision of the international community, in accordance with international law. The Tribunal Komike urged the Sub-Commission to take immediate action to enforce and protect the rights of the Kanaka Maoli people.

44. Mr. AHMAD (World Muslim Congress) said that since the previous session of the Sub-Commission, human rights violations, some of them amounting to genocide, had continued. In Chechnya, for example, the Russian army was bombing civilians and endeavouring to eliminate Chechen fighters. That was tantamount to genocide, since more than 40,000 Chechens had been killed out of a population of 1.3 million. The branding of Chechen people as criminals, bandits and terrorists by the Russian media was clear racism. What the Chechen people were claiming was the right to self-determination, recognized in international law and involving the freely expressed will of the people. To suppress any such claim, a foreign or colonial Power declared the occupied territory an integral part of itself, suppressed freedom of expression and installed a puppet administration in the territory, which it maintained in power through rigged elections. That was what was happening in Chechnya.

45. The right to self-determination was also being breached in Jammu and Kashmir, which had been invaded by India in 1947 and annexed after military occupation. India had no legal title to the State of Jammu and Kashmir, as had been confirmed by the Security Council and respected jurists. The consent of the people of Jammu and Kashmir to becoming part of India had never been obtained. The Indian occupation army, whose numbers were doubling with local militia men trained in India, continued to commit all kinds of atrocities and enjoyed total impunity. The situation was likely to be further exacerbated with the planned elections; 50,000 additional troops were being deployed to oversee the voting offices, and the manipulation of election results by the security forces was assured. The presence of neutral outside observers and international human rights organizations had been forbidden in Kashmir. It was "democracy" through intimidation and terror. The Kashmir leadership had unanimously decided not to take part in those elections, which would be used only to maintain the repressive regime and would force the elected representatives to swear by the Indian Constitution, tantamount to recognizing Kashmir as an integral part of India.

46. He called on the Sub-Commission to add to its programme of work consideration of the human rights situation in Jammu and Kashmir. The

Sub-Commission had the moral authority and the means to obtain the relevant information on human rights violations in Kashmir, which had been documented by various human rights organizations.

47. Mr. CHOEPHEL (Society for Threatened Peoples) said he regretted that, since the previous session of the Sub-Commission, no concrete steps had been taken to end violations of human rights, particularly in East Timor, Western Papua, the South Moluccas, the Chittagong hill tracts, Burma, Chechnya, Eastern Turkestan and Tibet.

48. He drew particular attention to the continuing violation of human rights and fundamental freedoms in Tibet. During the past few years, despite assurances from the Chinese Government, the Tibetan people had suffered a new wave of repression, as documented by the respective reports of the Special Rapporteurs on torture, religious intolerance and extrajudicial, summary or arbitrary executions, as well as the reports of the Working Groups on arbitrary detention and enforced or involuntary disappearances, which had been submitted to the fifty-second session of the Commission on Human Rights. The situation in Tibet had also recently been discussed by the Committee on the Rights of the Child and the Committee against Torture. Arbitrary detention, torture, unfair trials and the denial of religious freedom and freedom of assembly and speech were systematic. Chinese settlers were given priority in the right to work. Their presence in Tibet, together with the birth control policy imposed on the Tibetans by the Chinese authorities, were changing the demographic composition of Tibet at an alarming rate.

49. Three specific events that had taken place in Tibet over the past 18 months clearly illustrated what was going on there in terms of human rights. The first was the disappearance of a six-year-old boy, the eleventh Panchen Lama of Tibet, with his parents. After a long time of denial, the Chinese authorities had finally admitted to the Committee on the Rights of the Child that the boy was in their custody. The education and freedom of that child were vital to Buddhism and to Tibet's religious traditions, and his detention was proof of the lack of religious freedom in Tibet. Eight Tibetan monks were also in the hands of the Chinese authorities.

50. The second event was the complete ban on the display of photographs of the Dalai Lama in Tibet, ordered by the Chinese Government. On 7 May 1996, Chinese security personnel had opened fire at the Monastery of Gaden, firing on monks who were refusing to obey the order. It was reported that three of them had been killed, 30 were currently being detained and several hundred had to flee the monastery, which had been closed by the Chinese authorities. The Chinese policy was not new, since between 1959 and 1979 thousands of Tibetans had died for refusing to denounce the Dalai Lama, but the policy was now being applied openly and more forcefully. The Dalai Lama had always said he was willing to negotiate with the Chinese Government to save the Tibetan identity from total annihilation, without raising the subject of independence, but the Chinese authorities had never followed up on his proposals.

51. Thirdly, in 1995 the Chinese authorities had arrested and imprisoned an exiled Tibetan musician who had gone to Tibet to study traditional music. He called on the Chinese authorities to release that person unconditionally and without delay.

52. He urged the Sub-Commission to put the situation of human rights in Tibet on its agenda on the merits and to support the Tibetan people so that their unique cultural heritage could survive.

53. Mr. BENGOA said that the globalization of markets, in terms of the exchange of goods and communications, was the most striking phenomenon of the modern age. In the field of human rights, the process of internationalization had begun with the internationalization of horror during the Second World War, in the wake of which the universal principles of human rights had been developed. The subsequent adoption of the International Covenants and various other instruments had made progress possible. The next step in the process of the universalization of human rights should be to set up machinery that would enable those rights to be invoked ever more frequently before the courts.

54. It seemed urgently necessary to revise the mechanisms and systems for the international protection of human rights. The usefulness and relevance of those mechanisms were questionable in the face of the events in Rwanda and the conflicts in Burundi, Chechnya and Bosnia and Herzegovina. Those mechanisms had been shown to be impotent and paralysed by political considerations. At its previous session, by voting unanimously for resolution 1995/1, entitled "Expression of solidarity with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki", the Sub-Commission had itself recognized the ineffectiveness of the existing system of protection, the proof of which had been provided for world public opinion by seeing the "Blue Helmets" stand helplessly by and watch massacres in Bosnia and Herzegovina. What would happen if another conflict of that sort exploded in Europe, Latin America or another continent? How could respect for human rights be guaranteed? The Sub-Commission would have to endeavour to respond to all those questions, deliberately avoiding routine and sterile discussions under its agenda item 6.

55. The proceedings instituted by the International Criminal Tribunal in The Hague against the war criminals of the former Yugoslavia and Rwanda were an important step towards the effective realization of human rights at the international level, and the current debate on the creation of an international criminal court was another promising development. The authorities of those international judicial bodies should be clearly determined and their relation with the Security Council and its subsidiary bodies spelled out. The crucial question was whether the international tribunals would have any power over the military forces made available to the United Nations and over such international bodies as INTERPOL. The relation between those tribunals and the human rights bodies was another central issue in the debate. There was currently no connection between the activities carried out by the country rapporteurs and thematic rapporteurs and the work of those tribunals. Could not those rapporteurs, as well as the Sub-Commission and the Commission, function as a sort of examining magistrate when there was a presumption of international crime?

56. Certain crimes could neither be pardoned nor time-barred. None the less, in a number of regions, justice was muzzled by political considerations. In Latin America, fortunately, the era of the dictatorships had ended, and no State in the region still practised systematic violations of human rights. However, the cost of those political transitions was high, as the past had had

to be buried and a new page turned. The arbitrary granting of amnesty did not wipe out the crimes, and society's collective memory was profoundly scarred. Several questions arose. Was amnesty at the national level an obstacle to international legal proceedings? What sanctions could or should the international community take in future against a country which, for reasons of national interest, refused to extradite persons responsible for grave and systematic violations of human rights? In Latin America, although democracy had progressed as a form of government, national human rights legislation fell short of the standards now demanded at the international level. In many cases, the transition to democracy had been accompanied by concessions to Governments, weakening the power of justice instead of strengthening it.

57. Unfortunately the globalization of the economy and of communications did not bring with it greater respect for human rights. It was precisely for that reason that new instruments and machinery should be established that would enable the question of human rights to be adapted to new economic and social realities. The Sub-Commission should be a privileged forum for consideration at a high level of competence of the human rights situation in the world, and it was duly fulfilling its mandate. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights had asked the Sub-Commission to "prepare, for the use of the Commission in its examination of that question, a report containing information on violations of human rights and fundamental freedoms from all available sources". At the previous session, several members had also mentioned the possibility of an annual global report, which would not only contain the text of resolutions adopted but also provide an assessment of the human rights situation in all the countries of the world. Such a report would confer a great deal of credibility on the Sub-Commission and enable the "selectivity" so often criticized in all international forums to be eliminated. Such a report could be prepared in advance by a technical team and considered item by item by the Sub-Commission during its session. It could then guide the Commission and the competent international tribunals in their decision-making and the adoption of political and criminal sanctions.

58. The future of the Sub-Commission would depend on its ability to analyse all issues from a new angle, particularly within the framework of agenda item 6, which was especially important. The establishment of a working group to propose concrete steps to make the Sub-Commission's mandate more specific by taking account of new developments such as the globalization and universalization of human rights should therefore be considered.

The meeting rose at 1 p.m.